REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-6 have been canceled and new claims 8-21 added by way of present Amendment.

In the outstanding Office Action, the specification was objected to for informalities; claims 1-6 were rejected under 35 U.S.C. § 112, first and second paragraphs; claim 6 was rejected under 35 U.S.C. § 101; and claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,610,905 to Murthy in view of U.S. Patent No. 6,425,015 to Jennings.

Regarding the objections to the specification, page 2 of the Office Action requests clarification of several terms. Regarding what is meant by "self port," a self port is a port that receives the packet from a network segment. Regarding what is meant by "transformation information," transformation information is information required to perform routing of a packet. The transformation information can include, for example, MAC addresses. Transforming a packet using transformation information is well-known in the art. For example, Murthy et al., (USP 5,610,805) performs translation, which is the same as transformation, of a packet (see Murthy et al., column 22, lines 28-30). Regarding how setting of the ports is performed, a port can be set to any one of a monitored port, a non-monitored port, and a monitoring port by using hardware or software. For example, the setting can be performed using a user interface as mentioned in the Official Action. Therefore, how a port is set to any of a monitored port, a non-monitored port, and a monitoring port is well known to one of ordinary skill in the art. Applicant submits that by way of the above explanation, the objections to the specification have bee overcome.

If the specification requires correction, we request you to amend the specification accordingly.

Regarding the rejection of claims 1-6 based under 35 U.S.C. § 112, first paragraph, the Office Action takes the position that duplication of packets is a critical or an essential feature of the present invention that must be recited in the claims. Then the Office Action takes the position that the packet duplication feature (which is declared by the Office Action to be critical) is not enabled. Applicant submits that this is improper. First, MPEP § 2164.08(c) states that such a rejection should be made "only when the language of the specification makes it clear that the limitation is critical for the invention to function as claimed , . . . and [b]road language in the disclosure, including the Abstract, omitting the allegedly critical feature, tends to rebut the argument of criticality." The present specification uses such broad language and does not in any way establish criticality. Moreover, forwarding one packet to two or more destinations without duplication is well known in the art. For example, Murthy et al. (USP 5,610,905) discloses forwarding one packet to two destinations (see column 2 lines 35-39) without copying the packet (see column 2 lines 60-66). The technology disclosed in Murthy et al. can be employed in the present invention to send one packet to two or more destinations. Thus, the duplication of packets is, in fact, not critical or essential to the claimed invention.

Regarding the rejection of claims 1-6 based on 35 U.S.C. § 112, second paragraph, Applicant has canceled claims 1-6 and added new claims 7-21. New claims 7-11 relate to a network relay installation, new claims 12-16 relate to a port monitoring method, and new claims 17-21 relate to a computer-readable recording medium. These new claims address the objections raised on page 4 of the Office Action and more clearly define the invention. For

example, the new claims do not include the term "self" and provide proper antecedent basis to all the terms. Thus, the rejection under 112, second paragraph, is overcome.

Regarding the rejection of claim 6 under 35 U.S.C. § 101, this claim is canceled. New claims 17-21 relate to a computer-readable recording medium that is statutory and therefore the rejection is moot subject matter according to 35 U.S.C. §101.

Turning now to the prior art rejections, Applicant's new claim 7 recites that each port includes an input unit, an address resolution processing unit, and an output unit. Moreover, the address resolution processing unit

> . . . determines a destination port of received packet based on information in the packet, sends information indicative of the destination port and a monitoring port to the forwarding unit, appends control information to the received packet indicative of whether the received packet is required to be transformed before outputting from the destination port and the monitoring port, appends transformation information to the received packet that is used to transform the received packet before outputting from the destination port and the monitoring port and sends information appended packet to the forwarding unit via the input unit.

Independent claims 12 and 17 recite similar features in method and computer readable medium format. Neither Murthy et al. nor Jennings et al. disclose or remotely teach that each port includes an address resolution processing unit. In fact, Murthy et al. relates to the integrated processing mentioned in the Background of the instant specification, while the present invention relates to the distributed processing. Because Murthy et al. relates to the integrated processing it can not have an address resolution processing unit in each port.

Moreover, if the technology of Murthy et al. is employed to the address resolution processing unit of claims 7, 12 and 17, undesired results will be obtained. In other words, in that case two different packets will be sent to the destination port and the monitoring port. On the other hand, in the present invention, a same packet is sent to both the destination port and the monitoring port and these ports transform or do not transform that packet.

Thus, independent claims 7, 12 and 27 patentably define over the cited references. As claims 8-11, 13-16 and 18-21 depend from claims 7, 12 and 17 respectively, these dependent claims also patentably define over the cited references. Nevertheless, the pending dependent claims provide an additional basis for patentability over the cited references. Specifically, in one embodiment of the present invention, the address resolution processing unit of the port that received a packet decides whether the packet is to be transformed before outputting from a destination port and a monitoring port. Regarding claim 8, when a monitored port receives a packet (see step S1 in Fig. 4), the packet is output from the non-monitored port after transforming the packet (step S5), and the packet is output from the monitoring port without transforming (step S6). Regarding claim 9, when a non-monitored port receives a packet (see step S11 in Fig. 5), the packet is output from the monitored port after transforming the packet (step S15), and the packet is output from the monitoring port also after transforming (step S16). Claim 10 limits the content of the control information. Claim 11 limits the content of the transfer information. The cited references simply do not disclose these features of claims 8-11. Further, claims 13-16 and 18-21 claim similar features as claims 8-11 in different claim drafting format.

Consequently, in view of the foregoing discussion and present amendment, it is respectfully submitted that this application is in condition for examination. An early and favorable action therefore respectfully requested.

Respectfully submitted,

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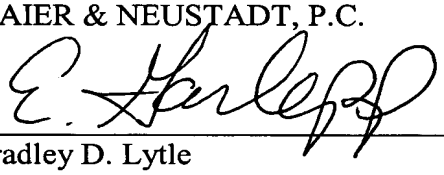

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